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Attorneys for Defendant Silicon Valley Law Group

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION

GERARD A. MCHALE, Jr., P.A., as  
Liquidation Trustee for the 1031 Debtors  
Liquidation Trust,

Plaintiff,

v.

SILICON VALLEY LAW GROUP, a  
California Law Corporation,  
Defendant.

CASE NO. CV10-4864 JCS

STIPULATION AND [PROPOSED]  
JUDGMENT ON JURY VERDICT

The parties hereby submit the following stipulated form of Judgment on Jury Verdict:

This cause came on regularly for jury trial commencing on August 26, 2013 and concluding on September 17, 2013. Michael Devorkin and Jacqueline Veit of Golenbock Eieseman Assor Bell & Peskoe LLP appeared as counsel for the plaintiff Gerard A. McHale, Jr., P.A., as Liquidation Trustee for the 1031 Debtors Liquidation Trust. Jerome Lerch, Debra Sturmer and Jason Balogh of Lerch Sturmer LLP appeared as counsel for defendant Silicon Valley Law Group. A jury of 10 persons was duly accepted, impaneled, and sworn to try the case. Witnesses were sworn and examined.

1 After hearing the evidence, the arguments of counsel, and instructions of the Court, the case  
2 was submitted to the jury and the jury retired to deliberate. The jury subsequently returned to court  
3 and rendered the following verdict:

4 [A copy of the verdict is attached hereto.]

5 Accordingly, NOW, THEREFORE IT IS ORDERED, ADJUDGED AND DECREED that  
6 Judgment be entered in favor of Defendant Silicon Valley Law Group and that Plaintiff shall take  
7 nothing by its Complaint. Defendant Silicon Valley Law Group is entitled to recover its costs  
8 according to proof.

9  
10 IT IS SO STIPULATED:

11 DATE: December 4, 2013

12 GOLENBOCK EISEMAN ASSOR BELL & PESKOE  
LLP

13 By: Michael S. Devorkin  
14 Attorneys for Plaintiff

15  
16 DATE: Decemeber 4, 2013

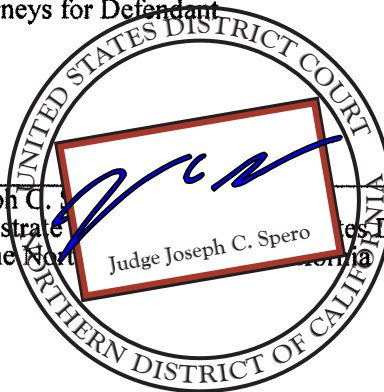
17 LERCH STURMER LLP

18 By: Jerome N. Lerch  
19 Attorneys for Defendant

20  
21 IT IS SO ORDERED.

22 DATE: December 5, 2013

23 Joseph C. Spero  
Magistrate  
for the Northern District Court  
24  
25  
26  
27  
28



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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERARD A MCHALE,  
Plaintiff,

v.

SILICON VALLEY LAW GROUP,  
Defendant.

Case No. 10-cv-04864-JCS

**FILED**

SEP 17 2013

**RICHARD W. WIEKING**  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

**FINAL VERDICT FORM**

Dated: September 16, 2013

  
JOSEPH C. SPERO  
United States Magistrate Judge

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FILED

SEP 17 2013

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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We, the jury, unanimously agree to the answers to the following questions and return them under the instructions of this Court as our verdict in this case.

1. Do you find that Plaintiff GERARD A. McHALE, P.A., TRUSTEE OF THE 1031 DEBTORS LIQUIDATING TRUST (the "BANKRUPTCY TRUSTEE"), has proved by the preponderance of the evidence that SILICON VALLEY LAW GROUP was negligent?

       Yes   X   No

If your answer to Question 1 is "Yes," please answer Question 2. If your answer to Question 1 is "No," do not answer any further questions. Please have the Jury Foreperson sign and date this Verdict Form and return it to Ms. Karen Hom.

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2. Do you find that BANKRUPTCY TRUSTEE has proved by a preponderance of the evidence that SILICON VALLEY LAW GROUP's negligence was a substantial factor in causing harm to 1031 Advance?

\_\_\_\_ Yes                      \_\_\_\_ No

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Northern District of California

If your answer to Question 2 is "Yes," please answer Question 3. If your answer to Question 2 is "No," do not answer any further questions. Please have the Jury Foreperson sign and date this Verdict Form and return it to Ms. Karen Horn.

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3. What amount of money do you find to be the monetary damage sustained by 1031 Advance, Inc. which the BANKRUPTCY TRUSTEE has proved by the preponderance of the evidence?

\$ \_\_\_\_\_

Please answer Question 4.

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4. Comparative fault: Do you find that SILICON VALLEY LAW GROUP has proved by a preponderance of the evidence that 1031 Advance was negligent?

       Yes        No

If your answer to Question 4 is "Yes," please answer Question 5. If your answer to Question 4 is "No," please go directly to Question 7.

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5. **Comparative Fault: Do you find that SILICON VALLEY LAW GROUP has proved by a preponderance of the evidence that 1031 Advance's negligence was a substantial factor in causing harm to 1031 Advance?**

☐ Yes ☐ No

If your answer to Question 5 is "Yes," please answer Question 6. If your answer to Question 5 is "No," please go directly to Question 7.

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6. What percentage of responsibility for 1031 Advance's harm do you assign to:

SILICON VALLEY LAW GROUP \_\_\_\_\_%

1031 ADVANCE, INC. \_\_\_\_\_%

Please answer Question 7.

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7. Do you find that SILICON VALLEY LAW GROUP has proved by a preponderance of the evidence that the conduct of Edward Okun was a superseding cause of 1031 Advance's damage?

☐ Yes ☐ No

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If your answer to Question 7 is "No" do not answer any further questions. Please have the Jury foreperson sign and date this verdict form and return it to Ms. Karen Hom. If your answer to Question 7 is "Yes," please answer Question 8.

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8. How much of the monetary damage you found in response to Question 3 was caused by the superseding conduct of Edward Okun?

\$ \_\_\_\_\_

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DATE

9/17/13

SIGNATURE OF FOREPERSON

